UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
3639	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/807,608	HAMMOND ET AL.
	Examiner	Art Unit	
	Fadey S. Jabr	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *3/11/03* , *12/26/01*

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims **1-28 and 32-35** have been amended. Claims **1-35** remain pending and are again

presented for examination.

Response to Arguments

1.   Applicant's arguments filed 18 May 2006 with respect to the combination of references

have been fully considered but they are not persuasive. In response to applicant's argument

concerning improper motivation to combine references, the examiner asserts that "the test for

obviousness is not whether the features of a secondary reference may be bodily incorporated into

the structure of the primary reference; nor is it that the claimed invention must be expressly

suggested in any one or all of the references. Rather, the test is what the combined teachings of

the references would have suggested to those of ordinary skill in the art." In re Keller, Terry, and

Davies, 208 USPQ 871, 881 (CCPA 1981). In the instant case, all the references are concerned

with the similar problem of collecting funds for vehicle parking.

2.   Applicant's arguments with respect to claims **1-35** have been considered but are moot in

view of the new ground(s) of rejection.

3.   The Official Notice taken in the previous Office action is being acknowledged as

admitted prior art.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims **1, 28 and 32-33** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claims 1 and 28**, the recitation "wherein the variable fee structure includes fee units and time units..." is vague and indefinite. It is unclear to the Office to what extent the fee structure represents structural elements. The newly added claim limitation fails to disclose any structure which would further limit the system claim. The limitation lacks a processor configured to recite the limitations. Appropriate correction is required in the indicated claims and any subsequent claims.

As per **Claims 1, 28 and 32-33**, the recitation "applicable to successive first and second parking period" is vague and indefinite. The recitation fails to positively recite the claim limitation.

Further, the recitation "selectively and individually varied...second parking period is proportionally greater than a fee applied to the first parking period..." is vague and indefinite. It is unclear to the Office how the fee and time units are "selectively and individually varied" while also being proportional. If the units are proportional it is unclear how the units would therefore be "selectively and individually varied". Appropriate correction is required in the indicated claims and any subsequent claims.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims **1, 6-8, 10, 12-13, 15-16 and 27-29** are rejected under 35 U.S.C. 102(b) as being

anticipated by Amirpanahi, U.S. Patent No. 5,648,906.

As per **Claims 1 and 28**, Amirpanahi discloses:

-    sensing means for sensing the presence of a vehicle in a parking position

     (Abstract, lines 22-24, motion detector);

-    a housing module included in the parking meter having:

     -    communication means for communicating with a network, (C. 5, lines 22-24,

          shows mother board determines the parking rate for each parking space, with

          C. 13, lines 4-6, shows that mother board has communication through a

          network, where mother board is connected to the meter);

     -    transaction means in communication with the communication means and

          accessible to a user of the system, adapted to process data to effect a payment,

          (C. 11, lines 43-60, computerized parking meter calculates the amount of time

          remaining on the prepaid parking card, with C. 12, lines 12, 49-50, shows that

          the user pays for exactly the parking time used by the user, therefore, the

amount of time calculated effects the amount the user pays, where the actual

meters are accessible by the user); and

- processing means, in communication with the transaction means for

monitoring the sending means and for determining the payment for an overall

time period during which the presence of the vehicle is sensed, (C. 12, lines

56-59, central database computer uses amount of time along with parking rate

to make payment calculations);

- wherein the payment is determined according to a variable fee structure

applicable to the overall time period and is effected at the end of the overall

time period, (C. 15, lines 6-19, shows that the point is moved to a correct

position on the timer when the user pays for parking, also shows rate changes

where fees applied to charge cards are a lower parking rate than rates applied

to coin payments).

MPEP 2106 (C) states: "Language that suggests or makes optional but does not require steps to

be performed or *does not limit a claim to a particular structure does not limit the scope of a*

claim or claim limitation. The following are examples of language that may raise a question as to

the limiting effect of the language in a claim:

(A)   statements of intended use or field of use,

(B)   "adapted to" or "adapted for" clauses,

(C)   "wherein" clauses, or

(D)   "whereby" clauses."

Claims Directed to an Apparatus must be distinguished from the prior art in terms of

structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 528-531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus

is intended to be employed does not differentiate the claimed apparatus from a prior art

apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte*

Masham, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987).

Thus the structural limitations of Claims **1 and 28** are disclosed in Amirpanahi as

described herein. Also as described the limitations of the claim do not distinguish the claimed

apparatus from the prior art.

As per **Claim 6**, Amirpahani discloses:

- wherein the overall time period is the period of time between an initial receipt of

    payment information and receipt by the processing means of a user-actuated parking

    termination signal, (C. 11, lines 16-37, shows parking time purchased by user, then

    the pointer of the timer is move to indicate the amount of parking time desired upon

    entry of a personal ID and insertion of parking card, with C. 12, lines 23-33, shows

    pointer returns to zero upon termination).

As per **Claim 7**, Amirpahani discloses:

- wherein the user-actuated parking termination signal is actuated by the user, either by

    providing a termination instruction to the processing means through the transaction

    means, or by moving the vehicle out of the parking position and thereby causing the

sensing means to cease to detect the presence of the vehicle in the parking position,

(C.21, lines 5-12, turning on the parking violation light upon removal of the parked

vehicle and termination is indicated to the mother board by the removal of the

vehicle).

As per **Claim 8**, Amirpahani discloses:

- wherein if the presence of the vehicle is sensed after a grace period before or after the

    overall time period, the processing means is adapted to communicate an infringement

    signal to an enforcement body over the network, (C. 20, line 62-C. 21, line 3, turning

    the parking violation light on and notifying the central database and the police if the

    car remains parked longer than a few minutes).

As per **Claim 10**, Amirpahani discloses:

- wherein the sensing means is adapted to sense the presence of one or more vehicles in

    respective one or more parking positions, (C. 6, lines 39-46, shows a number of

    networked computerized parking meters where motion detectors exist in each meter).

As per **Claim 12**, Amirpahani discloses:

- wherein the housing further includes display means for displaying information to the

    user, in communication with the processing means, (C. 3, lines 47-51, liquid crystal

    display).

As per **Claim 13 and 16**, Amirpahani discloses:

- wherein the transaction means includes card reading means for reading credit card

    information and manual input/wherein the transaction means includes card reading

    means for reading stored value card information and manual input means for

    receiving a payment authorization code from the user, (C. 3, lines 51-53, magnetic

    strip reader connected to a card insertion opening and numeric code pad).

As per **Claim 15**, Amirpahani discloses:

- wherein the transaction means includes cash payment means for receiving cash

    payment, (C. 3, lines 54-56, accepting nickels, dimes, quarters, etc.)

As per **Claim 27**, Amirpahani discloses:

- wherein the housing further includes printing means for printing a receipt for

    payment, C. 2, lines 35-39, shows an example for printing receipts).

As per **Claim 29**, Amirpahani discloses:

- including a plurality of parking meters, (C. 6, lines 40-41, a number of networked

    computerized parking meters).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims **2-5, 9, 14, 17-18, 30-31 and 35** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Amirpahani, U.S. Patent No. 5,648,906 in view of Anthonyson, U.S. Patent

No. 5,737,710.

As per **Claim 2**, Amirpahani fails to disclose where the fee units includes a base charging

rate and a variable charging rate, the base charging rate being applicable to the first

parking period and, if the vehicle is sensed longer than the first parking period, the

variable charging rate being applicable to the second parking period after the first parking

period, but does disclose rate changes in C. 15, lines 15-19.

However, Anthonyson teaches wherein the variable fee structure includes a base charging

rate and a variable charging rate, the base charging rate being applicable for a first time period

and, if the vehicle is sensed longer than the first time period, the variable charging rate being

applicable for a second time period after the first time period, (C. 7, lines 51-59, certain rate

applies under conditions, with C. 8, lines 1-6, shows that if the condition is not satisfied, other

rates are applied). Anthonyson teaches this limitation in an analogous art for the purpose of

showing that during a time when a condition is satisfied, applying one rate, and then applying

another rate at another time when the condition is not satisfied. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of applicant's invention to modify the

system of Amirpahani and charge a base rate for a first time period, and if the vehicle is sensed

longer than the first time period, to apply the variable charging rate for the second time period

with the motivation of applying new charges for a parked vehicle that exceeds its parking time.

As per **Claim 3**, Amirpahani fails to disclose wherein the overall time period is equal to

the sum of the first and second parking periods, but does disclose rate changes in C. 15, lines 15-

19).

However, Anthonyson teaches wherein the overall time period is equal to the sum of the

first and second time periods, (C. 8, lines 25-29, shows the total rate for a series of time periods

is applied by implementing both the first and second rates for both first repeat ad second repeat

number of periods). Anthonyson teaches this limitation in an analogous art for the purpose of

showing an overall time period through the calculation of the total rate. Therefore, it would have

been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the

system of Amirpahani for the overall time period to be equal to the sum of the first and the

second time periods with the motivation of showing that the total period is a combination of

more than one time period.

As per **Claim 4**, Amirpahani fails to disclose wherein the base charging rate is constant

over the first parking period and the variable charging rate changes over the second parking

period, but does disclose rate changes in C. 15, lines 15-19.

However, Anthonyson teaches wherein the base charging rate is constant over the first

time period and the variable charging rate changes over the second time period, (C.8, lines 17-

24, shows that rates are established and can be set, in this case, repeat can be set to the number of

periods over which to use the rate, then when the second period comes, if the repeat is not set,

another rate is applied). Anthonyson discloses this limitation in an analogous art for the purpose

of showing that more than one rate table may be used in the calculation of the cost of a single

garage entrance and exit. Therefore, it would have been obvious to one of ordinary skill in the

art at the time of applicant's invention to modify the system of Amirpahani for the base charging

rate being constant over the first time period and the variable charging rate changes over the

second time period with the motivation of showing that the rates change according to parking

periods.

As per **Claims 5 and 35**, Amirpahani fails to disclose wherein the variable charging rate

increase over the second parking period or wherein the variable charging rate decreases over the

second parking period, but does disclose rate changes in C. 15, lines 15-19.

However, Anthonyson discloses wherein the variable charging rate increases over the

second parking period/wherein the variable charging rate decreases over the second parking

period (C. 7, lines 63-64, shows a calendar of holidays may be specified as a condition, with C.

8, lines 3-6, shows a first rate, and a second rate, where rates are set according to conditions,

therefore if the first parking period is a holiday, and the second parking period is not a holiday,

the rate will increase as one goes from the first parking period to the second, since there is little

to no charge set on holidays, and there, if the second parking period is a holiday, the rate would

therefore decrease over the second time period. Anthonyson teaches this limitation in an

analogous art for the purpose of showing that more than one rate table may be used in the

calculation of the cost of a single garage entrance and exit. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of applicant's invention to modify the

system of Amirpahani for the variable charging rate increases over the second parking period, or

wherein the variable charging rate increases over the second parking period, with the motivation

of showing that the rates change according to parking periods.

As per **Claim 9**, Amirpahani fails to disclose wherein a nil charge rate is applicable

during the grace period , but does disclose rate changes in C. 15, lines 15-19.

However, Anthonyson teaches wherein a nil charge rate is applicable during the grace

period, (C. 8, lines 15-18, shows that if the remaining duration is less than the grace period, then

the rate calculation is finished. Anthonyson teaches this limitation in an analogous art for the

purpose of showing that the limit of conditions will not be searched from the beginning, and

therefore new rates will not be applied before a grace period ends. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of applicant's invention to modify the

system of Amirpahani to include a nil charge rate to be applicable during the grace period with

the motivation of showing no new rates are applied until a grace period ends.

As per **Claim 14**, Amirpahani fails to disclose wherein if the user inputs a special vehicle

authorization code into the transaction means, a nil charging rate is applicable for at least a part

of the overall time period, but does disclose rate changes in C. 15, lines 15-19.

However, Anthonyson discloses wherein if the user inputs a special vehicle authorization code into the transaction means, a nil charging rate is applicable for at least a part of the overall time period, (C. 8, lines 6-9, discounts applied for selected classes of accounts). Anthonyson teaches this limitation in an analogous art for the purpose of showing that rates change according to different classes of vehicles. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Amirpahani to charge a nil rate upon entering a special vehicle authorization with the motivation of charging a special rate for a specific type of vehicle.

As per **Claims 17 and 30**, Amirpahani fails to disclose wherein the communication means is adapted to communicate with a financial institution for determining whether the authorization code is valid and whether there is sufficient credit available to the user to collect the payment/wherein the communication means of each parking meter is in communication with a central control station, the central control stations being adapted to receive operational information and financial transaction information from the processing means of each parking meter over the network, but does disclose collecting payment through credit card payments in C. 3, lines 51-53.

However, Anthonyson discloses wherein the communication means is adapted to communicate with a financial institution for determining whether the authorization code is valid and whether there is sufficient credit available to the user to collect the payment/ wherein the communication means of each parking meter is in communication with a central control station, the central control station being adapted to receive operational information and financial

transaction information from the processing means of each parking meter over the network, (C.

1, lines 25-28, debit users bank account, with C. 2, lines 57-63, download stored financial

information, C. 3, lines 22-35, host computer). Anthonyson teaches this limitation in an

analogous art for the purpose of using this information to create a billing statement. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of applicant's invention to

modify the system of Amirpahani to communicate with a financial institution for determining

whether the authorization code is valid and whether there is sufficient credit available to the user

to collect the payment and wherein the communication means of each parking meter is in

communication with a central control stations, the central control station being adapted to receive

operational information and financial transaction information from the processing means of each

parking meter over the network with the motivation of providing information that would allow a

financial institution to provide adequate financial services.

As per **Claim 18**, Amirpahani discloses wherein the communication means is in

communication with a central control station, the central control station being adapted to receive

operational information and financial transaction information from the processing means over

the network, (C. 5, lines 22-24, shows mother board determines the parking rate for each parking

space, with C. 13, lines 4-6, shows that mother board has communication through a network,

where mother board is connected to the meter.

As per **Claim 31**, Amirpahani fails to disclose wherein each parking meter is in

communication with one or more local controllers, each of which is in communication with a

central control station, the central control station being adapted to receive operational

information and financial transaction information from the processing means of each parking

meter via the one or more local controllers, but does disclose a plurality of computerized parking

meters in C. 6, lines 39-41.

However, Anthonyson teaches each parking meter is in communication with one or more

local controllers, each of which is in communication with a central station, the central control

station being adapted to receive operational information and financial transaction information

from the processing means of each parking meter via the one or more local controllers, (C.

3,lines 22-24, cost information, instructions to open the gate are sent to the lane controller).

Anthonyson discloses this limitation in an analogous art for the purpose of showing that

information is sent to lane controllers for the purpose of opening access to the lanes. Therefore,

it would have been obvious to one of ordinary skill in the art at the time of applicant's invention

to modify the system of Amirpahani and include for each parking meter to be in communication

with one or more local controllers, each of which is in communication with a central control

station, the central control station being adapted to receive operational information and financial

transaction information from the processing means of each parking meter via the one or more

local controllers with the motivation of allowing access to the lane upon verification with a

financial institution.

10.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amirpahani, U.S.

Patent No. 5,648,06 in view of Kielland, U.S. Patent No. 6,081,206.

As per **Claim 11**, Amirpahani fails to disclose wherein the sensing means includes at

least one induction coil for each parking position, but does disclose a motion detector for sensing

parked vehicles in C. 13, lines 7-11.

However, Kielland teaches wherein the sensing means includes at least one induction coil

for each parking position, (C. 10, lines 7-12, induction coil). Kielland discloses this limitation in

an analogous art for the purpose of achieving adequate sensitivity. Therefore, it would have

been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the

system of Amirpahani an include an induction coil with the sensing means with the motivation of

incorporating sensing means that will improve the sensing of vehicles.

11.   Claims **19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Amirpahani, U.S. Patent No. 5,648,906.

As per **Claims 19-21**, Amirpahani does not explicitly disclose processing means that

includes memory means, and wherein the system further includes transportable programming

device adapted to interface with the processing means for reconfiguring thereof and for reading

and writing data from and to the memory means/wherein the memory means includes further

memory means for storing system configuration data, but does disclose a central database

computer which acts as a server in C. 13, lines 34-35.

Official notice is taken that it is old and well known in the computing art to have

processing means that includes memory means, and wherein the system further includes a

transportable programming device adapted to interface with the processing means for

reconfiguring thereof and for reading and writing data from and go the memory means and

wherein the memory means includes further memory means for storing system configuration

data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to modify the system of Amirpahani to have processing means that

includes memory means, and wherein the system further includes a transportable programming

device adapted to interface with the processing means for reconfiguring thereof and for reading

and writing data from and to the memory means, and wherein the memory means includes

further memory means for storing system configuration data with the motivation of providing

hardware, software, and functionality that is consistently common with central database

computers that act as servers.

As per **Claim 22**, Amirpanahi discloses:

- wherein the programming device is also adapted to interface with a data processing

    means of the central, (C. 5, lines 22-24, shows mother board determines the parking

    rate for each parking space, with C. 13, lines 4-6, shows that mother board has

    communication through a network, where mother board is connected to the meter).

12.   Claims **23-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Amirpahani, U.S. Patent No. 5,648,906 in view of Williams, U.S. Patent No. 6,081,205.

As per **Claims 23-26**, Amirpahani does not explicitly disclose the following:

- wherein the transaction means includes means for sensing when an access door to

internal components of the housing has been opened/wherein the system further

includes diagnostic means for performing diagnostic inspection thereof/ wherein the

diagnostic means of each parking meter includes fault-related data/wherein the

diagnostic means is controlled by the processing means and is adapted to transmit the

fault-related data to the control station through communications network, but does

disclose a sensor for detecting the parked cars in C. 6, lines 41-46.

However, Williams teaches wherein the transaction means includes means for sensing when an

access door to internal components of the housing has been opened/wherein the system further

includes diagnostic means for performing diagnostic inspection thereof/wherein the diagnostic

means of each parking meter includes fault-condition monitoring and counting means, for fault

monitoring and storing fault-related data/wherein the diagnostic means is controlled by the

processing means and is adapted to transmit the fault-related data to the control station through

communications network, (C. 2, lines 27-36, shows a ground fault interrupt switch

interconnected between the power source and the remainder of the system to cut off power to the

parking meter system in the even of an accident or damage to the meter system, in this case

opening the access door to internal components is in the same category as damage to the meter

since this is an unusual condition that happens to the meter, in addition, accident or damage

represents fault data, and in this case this data must be stored in order for the system to recognize

fault, take proper action, and accident or damage information is sent through a communication

network to transmit information from the meter to the control station, and in order to detect

damage, diagnostic means must be present). Williams teaches this limitation in an analogous art

for the purpose of showing that the meter is equipped with means for detecting and handling of

accidents or damage to the meter. Therefore, it would have been obvious to one of ordinary skill

in the art at the time of applicant's invention to modify the system of Amirpahani to incorporate

all of the above limitations with the motivation of supplying a meter that would be able to

diagnose its problems.

13.   Claims **34** is rejected under 35 U.S.C. 103(a) as being unpatentable over Amirpanahi,

U.S. Patent No. 5,648,906 in view of Williams, U.S. Patent No. 6,081,205 and Anthonyson, U.S.

Patent No. 5,737,710.

As per **Claim 34**, Amirpahani discloses:

-   providing one or more parking meters according to claim 22 to monitor utilization of

    the parking positions, (C. 6, lines 39-46, using a motion detector on a number of

    networked computerized parking meters);

-   providing a connection to each parking meter through a communications network, to

    control station having processing means, (C. 16, lines 57-63, parking meters

    connected to the central database computer and the central database computer having

    control over thousands of meters);

-   causing each parking meter to store operational data relating to payment transactions

    performed by that parking meter, (C. 11, lines 28-32, scanning information from

    parking charge card to the mother board on the meter);

Amirpahani fails to disclose the following, but does disclose a sensor for detecting the

parked cars in C. 6, lines 41-46.

However, Williams teaches causing each parking meter to regularly perform self-

diagnostic tests and to store data relating to those tests/ causing the parking meters to transmit the

data relating to the self diagnostic tests or the operational data to the control station in real time,

(C. 2, lines 27-36, shows a ground fault interrupt switch interconnected between the power

source and the remainder of the system to cut off power to the parking meter system in the event

of an accident or damage to the meter system, in this case opening the access door to internal

components is in the same category as damage to the meter since this is an unusual condition that

happens to the meter, in addition, accident or damage represents fault data, and in this case this

data must be stored in order for the system to recognize fault, take proper action, and accident or

damage information is sent through a communications network to transmit information from the

meter to the control station, and in order to detect damage, diagnostic means must be present).

Williams discloses this limitation in an analogous art for the purpose of showing that the meter is

equipped with means for detecting and handling of accidents or damage to the meter. Therefore,

it would have been obvious to one of ordinary skill in the art at the time of applicant's invention

to modify the system of Amirpahani and include incorporating all of the above limitations with

the motivation of supplying a meter that would be able to diagnose its problems.

Neither Amirpahani, nor Williams discloses the following, but Amirpahani discloses an

LCD display for outputting information related to parking status in C. 18, lines 15-24.

However, Anthonyson teaches at the control station, processing said data in real time for

producing one or more reports based on the processed data, (C. 11, lines 32-34, generating

reports). Anthonyson teaches this limitation in an analogous art for the purpose of showing that

information on parking activity by the time of day, length of stay, cost and the like are produced

via data report module. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to modify the system of Amirpahani to process data in real

time of the producing one or more reports based on the processed data with the motivation of

allowing the physical output of parking data.

14.   Claims **32-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Amirpahani, U.S. Patent No. 6,648,906 in view of Okajima, JP Patent No. 402093781 A.

    As per **Claim 32**, Amirpahani discloses:

-     monitoring a presence signal, representative of the presence or absence of a vehicle

    from at least one parking bay associated with the parking meter (C. 13, lines 7-11,

    motion detector);

-     receiving payment information from a user of said parking bay via the parking meter

    which enables a payment, (C. 13, lines 20-25, user inserting a parking charge card

    after a certain period of time);

-     determining a length of time said vehicle is present in said at least one parking bay in

    response to the presence signal, (C. 15, lines 6-11, mother board directs timer to move

    pointer to correct position on timer).

-     effecting the payment, (C. 15, lines 18-19, upon use of parking charge card, lowering

    the rate).

Amirpahani fails to disclose determining the payment based on a variable fee structure that

includes fee units and time units applicable to successive first and second parking periods,

wherein the value of the fee units and the length of the time units are selectively and individually

varied between the first and second parking periods so that a fee applied to the second parking

period is proportionally greater than a fee applied to the first parking period whereby the fee

applied to the second parking period is a self-administered penalty for overstaying the first

parking period that is automatically collected when the payment is effected.

However, Okajima teaches an automatic charge adjusting machine installed in a vehicle

outgoing port calculates either the free of charge ratio of a parking charge or a small amount of

charge exclusively used for the short-time parking when the parking ticket inserted into the

machine is the parking ticket exclusively used for the short-time parking. Further, when the

vehicle outgoing time of day exceeds the previously determined specified time for the short-time

parking, the machine calculates the penalty, the amount of which is larger than the general

charge (see Constitution). Therefore, it would have been obvious to one of ordinary skill in the

art at the time of applicant's invention to modify the method of Amirpahani and include charging

a user a higher rate, a penalty, for parking in the slot for a longer period of time than authorized,

because it allows parking efficiency to be heightened.

As per **Claim 33**, Amirpahani discloses:

- sensing the presence or absence of a vehicle in a parking position, (C. 13, lines 7-11,

    motion detector sensing vehicles in parked positions);

-   selecting one or more fee charging rates from a plurality of fee charging rates
    applicable under one or more circumstances of use of the system, (C. 15, lines 15-19,
    rate changes setting parking charge at a lower rate for using parking charge card);

-   receiving payment information relating to the payment of fees and authorization
    thereof by a user of the system via a parking meter associated with the parking
    position (C. 13, lines 20-25, user inserting a parking charge card after a certain period
    of time);

-   establishing a start time from which fees may be charged by the establishing of said
    start time being responsive to the sending of the presence of said vehicle in said
    parking position; establishing a finish time beyond which fees will not be charged, the
    establishing of said finish time responsive to a timing termination signal actuated by
    said user, (C. 15, lines 6-11, mother board directs timer to move pointer to correct
    position on timer, with C. 11, lines 32-37, shows pointer on timer moved to indicate
    amount of parking time desired by user once the balance on the parking card is
    verified, and C. 12, lines 23-32, shows that the pointer of the timer is returned to zero
    upon termination of the parking time);

-   calculating fees to be received from said user based on said one or more fee rates
    applicable under said one or more circumstances of use between said start time and
    said finish time, (C. 15, lines 18-19, upon use of parking charge card, lowering the
    rate);

- using said payment information to effect receipt of a payment from said user based on said calculated fees, C. 15, lines 57-64, indicate correct parking time upon deducting calculated fees from parking charge card).

Amirpahani fails to disclose wherein the plurality of fee rates include fee units and time units applicable to successive first and second parking periods, wherein the value of the fee units and the length of the time units are selectively and individually varied between the first and second parking periods so that a fee applied to the second parking period is proportionally greater than a fee applied to the first parking period whereby the fee applied to the second parking period is a self-administered penalty for overstaying the first parking period that is automatically collected when the payment is effected.

However, Okajima teaches an automatic charge adjusting machine installed in a vehicle outgoing port calculates either the free of charge ratio of a parking charge or a small amount of charge exclusively used for the short-time parking when the parking ticket inserted into the machine is the parking ticket exclusively used for the short-time parking. Further, when the vehicle outgoing time of day exceeds the previously determined specified time for the short-time parking, the machine calculates the penalty, the amount of which is larger than the general charge (see Constitution). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Amirpahani and include charging a user a higher rate, a penalty, for parking in the slot for a longer period of time than authorized, because it allows parking efficiency to be heightened.

Conclusion

15.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as

applied to the claims below for the convenience of the applicant. Although the specified

citations are representative of the teachings in the art and are applied to the specific limitations

within the individual claim, other passages and figures may apply as well. It is respectfully

requested that the applicant, in preparing the responses, fully consider the references in entirety

as potentially teaching all or part of the claimed invention, as well as the context of the passage

as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The

examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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Fadey S Jabr
Examiner
Art Unit 3639
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FSJ

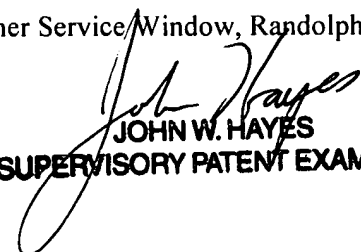Please address mail to be delivered by the United States Postal Service (USPS) as
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Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401
Dulany Street, Alexandria, VA 22314

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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER
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